

SENATOR CHIZEK: Senator Pirsch, would you yield to a few questions, please?

SENATOR PIRSCH: Surely.

SENATOR CHIZEK: Looking at the bill, according to Section 2, the court may hold a hearing at the time of sentencing to determine the amount of restitution and hearing on whether the restitution is appropriate would be at the sentencing hearing. In other words, there wouldn't be two separate hearings, one for restitution and one for sentencing. Is...?

SENATOR PIRSCH: That's correct, just one hearing.

SENATOR CHIZEK: Okay. And how about the...under the rules of evidence at the sentencing hearing, would they be changed by this bill?

SENATOR PIRSCH: No, they would not be changed by LB 956. The sentencing hearing is different than the others and this would not change.

SENATOR CHIZEK: Well as I understand it, by custom and practice in some jurisdictions the probation office submits a presentence investigation to the court and the county attorney doesn't appear at the time of...for sentencing purposes. Would 956 modify that any?

SENATOR PIRSCH: No, absolutely not. The probation officer is at that hearing and the probation officer's efforts would include information on sentencing and the restitution and entirely at that hearing, not the county attorney.

SENATOR CHIZEK: And, Senator, one more, in Section 7 it permits a victim that has been issued an order of restitution by a court to satisfy in the same way as a civil judgment. Would the county attorney be used to collect restitution for the victim?

SENATOR PIRSCH: No, and that is in the bill. The victim would file garnishments and executions on their own private attorney and that is in the bill and it would not be the county attorney. The victim then follows through on themselves. It gives them the opportunity to do so.

SENATOR CHIZEK: Okay, thank you, Senator Pirsch. That clarifies that for me and I would support the bill and I would